

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders

REFERENCE:
UA THA 6/2019

12 July 2019

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 34/18, 32/32 and 34/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning property destruction, as well as several physical assaults and death threats against Mr. Aekachai Hongkangwan, Mr. Anurak Jeantawanich and Mr. Sirawith Serithiwat.

The arrest, detention and charges against the three individuals were the subject of a communication sent by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders on 25 June 2018 (THA 4/2018). We regret that no substantive response to this communication has been received so far. Mr. Hongkangwan was also the subject of two other communications sent by Special Procedures' mandate holders on 25 February 2016 (THA 9/2015) and 20 February 2018 (THA 2/2018).

Mr. Aekkachai Hongkanwan is a political activist who led a campaign aiming to expose corruption cases. Mr. Anurak Jeamtawanich is a political activist affiliated with the United Front for Democracy against Dictatorship (UDD). Mr. Siriwith Serithiwat is a member of Citizen Resistance Group, a network of social and political activists that organize campaigns in support of democracy.

According to the new information received:

Concerning Mr. Anurak Jeamtawanich:

Earlier this year, Mr. Jeantawanich took part in a campaign to collect signatures for a petition to impeach the Election Commission.

On 25 May 2019, Mr. Jeantawanich was physically attacked by six men wearing helmets and driving three motorcycles with no license plates. The assailants chased and hit him with clubs. After the incident, he had a bloody wound on his head which required eight stitches.

Concerning Mr. Aekkachai Hongkanwan:

On 1 April 2019 around 1.15am, shortly after a gathering organized in Bangkok, Mr. Hongkangwan's car was set ablaze by a man wearing a helmet. CCTV footage of the incident shows a man with a helmet kicking the side mirror of the car, and then pouring petrol on the car's windshield and setting it ablaze. Reportedly, four other people were also involved in the attack. Mr. Hongkangwan reported the case to Lat Phrao Police Station.

On 13 May 2019, Mr. Hongkangwan was physically assaulted by four men wearing helmets as he was on his way to the Bangkok Criminal Court for a criminal hearing as a defendant. Mr. Hongkangwan sustained broken bones on his left rib cage and right hand as a result of the attack. He has wounds and bruises on face, elbows, and legs, as well as on the back of his hands. Mr. Hongkangwan lodged a complaint to Phahonyotin Police Station.

On 25 May 2019, Mr. Hongkangwan was attacked by six unidentified men as he was riding his motorcycle near his house. The assailants knocked him and his motorcycle over, and rammed their motorcycles into his back. They then hit him many times with metal bars, injuring him on his head, face, arms, and legs. The attack came only a day after he had announced on his Facebook page that he would lead a rally to protest the selection of the House of Representatives' speaker, and after he had attended a protest alleging collusion between the military junta, the National Council for Peace and Order, and the Election Commission.

On 26 May 2019, Mr. Hongkangwan received a death threat via a private message. The message read "someone has ordered you dead and asked you to leave the country immediately." On 2 April 2019, Mr. Hongkangwan requested the support of special protection measures from the Witness Protection Bureau, which operates under the Rights and Liberties Protection Department. On 23 June 2019, the Witness Protection Bureau facilitated special protection programme to Mr. Hongkangwan by means of accompanied local police officers from Lat Phrao Police Station for 60 days. Mr. Hongkangwan agreed with the measure put in place by the Bureau.

Concerning Mr. Sirawith Serithiwat:

On 2 June 2019, Mr. Serithiwat was badly beaten by five unidentified men on motorcycles at a bus stop on Ratchadaphisek Road in Bangkok. Mr. Serithiwat reported the incident to the Huai Khwang Police Station after he regained consciousness. The police then called the rescue services to take Mr. Sirawith to the Police Hospital and Mission Hospital. He suffered injuries to his shoulder, right ear, side of his face and nose bridge and had to stay in hospital overnight to check for brain injuries. His mobile phone was also completely broken. Reportedly, security cameras in the area were either broken or blocked by trees, so no footage of the assailants would be available.

On 28 June 2019, he was again assaulted as he was leaving his home. Four assailants, wearing fully covered helmets and travelling on two motorcycles, repeatedly badly attacked him with wooden sticks. As a result of the assault, Mr. Sirawith was sent for medical treatment in an intensive care unit of the Navamin 1 hospital. Medical reports revealed that he was suffering from a wound on his right eyebrow and on his head. His nose and cheek bone are broken with severe bleeding in relation to a broken bone below his eye.

On 29 June 2019, Mr. Serithiwat met with officials from the Witness Protection Bureau who offered him protection.

On 30 June 2019, he was transferred to Ramathibodi hospital for eye surgery from the fractured eye socket.

Between 29 June and 6 July 2019, Mr. Serithiwat was approached by police officials from the 3rd Bangkok Metropolitan Police who offered him police protection. At first, police protection was offered without condition, in a manner similar to that of Mr. Hongkangwan. However, the proposal was later changed with police protection granted only under the condition that he ceases his political activities and report to police on his plans and locations at all times. It is reported that Mr. Serithiwat has rejected this proposal.

On 7 July 2019, Mr. Serithiwat left the hospital to rest at his home. Medical report stated that it will take four to five months for his eyes to fully recover from the surgery.

On 8 July 2019, the Deputy Prime Minister General Prawit Wongsuwan, who oversees security affairs, made a public statement stating that the police could only guarantee Mr Sirawith's safety if he distances himself from politics.

At the time of sending this communication, there was no development on police investigation concerning attacks against the three activists.

We wish to express our deepest concern about the violent physical attacks against Mr. Aekachai Hongkangwan, Mr. Anurak Jeantawanich and Mr. Sirawith Serithiwat. Our concerns are heightened by the fact that the attacks took place shortly after the exercise of their legitimate rights to freedom of expression and peaceful assembly. We further wish to express concern about the ongoing proceedings against some of them, as highlighted in our previous communication THA 4/2018.

These allegations, if confirmed, indicate a prima facie violation of Articles 6, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Thailand on 29 October 1996, which guarantee the right to life and physical integrity, freedom of opinion and expression and the right to freedom of peaceful assembly and of association.

Furthermore, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. We would also like to bring to the attention of your Excellency's Government article 5 (a) of the UN Declaration on Human Rights Defenders, which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels: to meet or assemble peacefully.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Hongkangwan, Mr. Jeantawanich and Mr. Serithiwat in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or any comment(s) you may have on the above-mentioned allegations.

2. Please provide information on measures taken by your Excellency's Government to carry out an immediate investigation into the aforementioned incidents. If no investigations have been undertaken, or if they have been inconclusive, please explain why.
3. Please provide information on the measures taken to ensure the security and physical integrity of Mr. Aekachai Hongkangwan, Mr. Anurak Jeantawanich and Mr. Sirawith Serithiwat.
4. Please clarify on the differences between the Witness Protection provided under the Rights and Liberties Protection Department and the protection provided by the Police. Please also explain the criteria and conditions under both schemes.
5. Please indicate what measures have been taken to ensure that human rights defenders in Thailand are able to carry out their work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Clement Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst
Special Rapporteur on the situation of human rights defenders